

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MAISHA DORSEY,

Plaintiff(s),

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant(s).

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Case No. 4:07CV1485 JCH
(FRB)

ORDER

This matter is before the Court on Defendant's Motion to Reverse and Remand and for Entry of Final Judgment with Suggestions in Support, filed September 9, 2008. Pursuant to 28 U.S.C. § 636, the Court referred this matter to United States Magistrate Judge Frederick R. Buckles, who issued a Report and Recommendation on September 30, 2008. Magistrate Judge Buckles recommends that the Court grant Defendant's Motion to Reverse and Remand. Magistrate Judge Buckles further recommends that the Court reverse and remand this matter to the Commissioner for further proceedings, pursuant to Sentence Four of 42 U.S.C. § 405(g). Neither party has filed objections or otherwise responded to the Report and Recommendation.

After review of the entire record in this matter, the Court concurs in the Magistrate Judge's findings, and will adopt the Report and Recommendation. Accordingly, the Court will grant Defendant's Motion to Remand, and reverse and remand this matter to the Commissioner for further administrative proceedings for further evaluation of Plaintiff's borderline intellectual functioning (BIF). Specifically, the Administrative Law Judge will be directed to (1) reevaluate the opinion of Dr. Mitchell Mirabaha; (2) contact Dr. Mirabaha to clarify what skills Plaintiff is able to perform; (3) evaluate Plaintiff's residual functional capacity; (4) obtain vocational expert testimony to consider the

effect of Plaintiff's BIF on her ability to perform work that exists in the national economy; (5) consider Plaintiff's medical improvement and its effect on Plaintiff's entitlement to continued benefits; (6) evaluate whether Plaintiff continues to be entitled to disability insurance benefits and supplemental security income benefits; and (7) evaluate Plaintiff's right to payment continuation during the appeals process.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (Doc. No. 22) is adopted and incorporated herein.

IT IS FURTHER ORDERED that Defendant's Motion to Reverse and Remand (Doc. No. 21) is **GRANTED**.

IT IS FURTHER ORDERED that, pursuant to Sentence Four of 42 U.S.C. § 405(g), this matter is reversed and remanded to the Commissioner for further proceedings consistent with the Magistrate Judge's Report and Recommendation and with this Order. A separate Order of Remand shall accompany this Order.

Dated this 15th day of October, 2008.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE